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COOS BAY DIST OFFICE

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January 11, 2003

Sue Richardson  
District Manager, BLM  
1300 Airport Lane  
North Bend, Or 97459

RE: Comments on the Final EIS for the Natural Gas Pipeline

I. NEPA compliance obligates the BLM to investigate and address the Indirect and Cumulative impacts of a natural gas pipeline project on the area which it will serve. Without a doubt the most critical of these areas is the Coos Bay Estuary. While acceding the probability that industrialization may occur in different areas, the entire aim of this pipeline project, and even documented on the website of the Port of Coos Bay, has been aimed at the North Spit, yet this EIS appears unaware of this objective throughout the analysis, and can only be discounted as unresponsive to the requirements of NEPA. I support the comments of Ron Sadler covering this deficiency of the Final EIS.

II. Federal regulations (CEQ 1506.1a2) state that until an agency issues a final record of decision, no action concerning a proposal undergoing the EIS process shall be taken which would "limit the choice of reasonable alternatives." Yet this is precisely what was performed in this process when, in a sleight-of-hand maneuver the County declared that one of the public service requirements of the pipeline in Coos county is that it must begin on the easterly boundary of the County at the terminus of the 17-mile connector pipeline in Douglas County, effectively eliminating the Highway 42 route beginning at Winston identified in the EIS as a reasonable alternative. Because the County summarily dismissed the original Highway 42 reasonable alternative on the basis that it did not meet their arbitrary public service requirement imposed after-the-fact, the BLM cannot so summarily be released from the above-stated CEQ requirement.

Additionally, as Mr. Sadler had quoted in an earlier document, Federal regulations (CEQ 1506.1b) state that, in cases like this where they are considering an application from a non-federal entity, the BLM has the responsibility to monitor the activities of the applicant "to ensure that the objectives and procedures of the National Environmental Policy Act are achieved." Clearly, by allowing Conditional Use permitting in Douglas County to effectively eliminate the afore-designated reasonable alternative, the BLM was derelict in their duty of ensuring that the objectives and procedures of NEPA are achieved.

III. In Chapter 5 of the Final EIS, Consultation and Coordination, it is noted that the Department of Land Conservation and Development (DLCD) indicated the need to prepare a

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consistency determination. One of the statewide Goals that must be addressed is Goal I, Citizen Involvement, and another is Goal 2, Land Use Planning. My comments here incorporating these two Goals are directed at the conditional use permitting process utilized for the 17-mile section of the gas pipeline from Roseburg to the Coos/Douglas County line.

A. Coos County citizens were not provided legal notice of the public hearing for conditional use permits in Douglas County, violating their "substantial rights" for standing in that process. Failure to provide notice to Coos County residents for that hearing violated State Land Use Goals 1 and 2.

B. The County and its representatives have consistently maintained that permitting of the pipeline cannot be conducted on a segment-by-segment basis, yet here again this is exactly what was done in regards to the Douglas County portion through the Lookingglass Valley. Not only was the Highway 42 reasonable alternate route excluded by this "one segment" action, so, also, was the required citizen involvement participation in that hearing, denying Coos County citizens standing for appeal.

C. A final comment must be added regarding the approval of the conditional use permits in Douglas County. It is documented that several of the land owners in the Lookingglass Valley gave approval based solely on the condition that gas from that segment of the pipeline be made available to them. This can only be interpreted as bribery of the highest order, particularly in light of the fact that rural landowners in Coos County will not have access to gas from the very pipeline they are obligated to pay for. Although this may not be legally an issue for the BLM, it is certainly illustrative of the process that has been followed by the BLM and Coos County throughout this entire project.

#### SUMMARY

This Final EIS fails to meet the requirements of NEPA and Goals 1 and 2 of the State Land Use Planning Goals.

A follow-up hard copy of these comments is being mailed.

*Roberta Stewart*